

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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PATRICIA CUMMINGS,

Plaintiff,

-against-

THE CITY OF NEW YORK; NEW YORK CITY DEPARTMENT OF EDUCATION; GIULIA COX; COURTNEY WARE; BEN CHAPMAN; NEW YORK DAILY NEWS; DR. ANDRE PERRY; THE HECHINGER REPORT a/k/a HECHINGER INSTITUTE ON EDUCATION AND THE MEDIA; LENARD LARRY McKELVEY a/k/a *CHARLAMAGNE THA GOD*; WWPR-FM (105.1 MHZ); iHEARTMEDIA; CLEAR CHANNEL COMMUNICATIONS, INC.; NEW YORK STATE SENATOR, KEVIN S. PARKER; COALITION OF EDUCATIONAL JUSTICE; ANGEL MARTINEZ; NATASHA CAPERS, PHILIP SCOTT; ADVISE MEDIA NETWORK n/k/a AFRICA DISPORA NEWS CHNNEL, and “JOHN DOE AND JANE DOE #1-100” said names being fictitious, it being the intent of Plaintiff to designate any and all individuals, officers, members, agents, servants, and/or employees of the aforementioned agencies owing a duty of care to Plaintiff, individually and jointly and severally,

Defendants.

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PLEASE TAKE NOTICE that upon the annexed Declaration of Aliza J. Balog, dated June 25, 2020, and the exhibit annexed thereto, the accompanying Memorandum of Law in Support of The City of New York (“City”), as well as the New York City Department of Education (“DOE”), Giulia Cox, and Courtney Ware’s (together, with DOE, “DOE Defendants”), Motion to Dismiss the First Amended Complaint, dated May 27, 2020, and upon all the papers and proceedings previously had herein, the City and DOE Defendants will move this Court at the United States Courthouse for the Southern District of New York, 500 Pearl Street, New York, New York, 10007, before the Honorable Colleen McMahon, United States District Judge, at a

**NOTICE OF MOTION TO
DISMISS THE FIRST
AMENDED COMPLAINT**

19 Civ. 07723 (CM) (OTW)

time and date to be designated by the Court, for an order dismissing the First Amended Complaint pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure.

Dated: New York, New York
June 25, 2020

JAMES E. JOHNSON
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City of New York
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By: /s/ Aliza J. Balog
 ALIZA J. BALOG
 Assistant Corporation Counsel

19 Civ. 07723 (CM) (OTW)
UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK
PATRICIA CUMMINGS , Plaintiff, -against- CITY OF NEW YORK, <i>et al.</i> , Defendants.
NOTICE OF MOTION TO DISMISS THE FIRST AMENDED COMPLAINT
JAMES E. JOHNSON <i>Corporation Counsel of the City of New York</i> Attorney for DOE Defendants & City 100 Church Street, Room 2-143 New York, New York 10007 Of Counsel: Aliza J. Balog Telephone: (212) 356-1104
<i>Due and timely service is hereby admitted.</i> <i>Dated: New York, New York.....2020</i> <i>Signed:</i> <i>Attorney for.....</i>